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The Honorable Lonny R. Suko

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON
AT SPOKANE

MAXIMILLIAN SALAZAR III,

Plaintiff,

v.

MONACO ENTERPRISES, INC.; and
GENE MONACO and MARTI
MONACO, husband and wife and the
marital community thereof; and ROGER
BARNO and NOELLE BARNO, husband
and wife and the marital community
thereof; and STRATEGIC ADVANTAGE,
LLC; and STEVE CESARE and JANE
DOE CESARE, husband and wife and the
marital community thereof,

Defendants.

NO. CV-12-186-LRS

LR 56.1 STATEMENT OF FACTS
IN SUPPORT OF DEFENDANTS'
MOTION FOR PARTIAL
SUMMARY JUDGMENT

May 9, 2013, 6:30 p.m.
Without Oral Argument

Pursuant to Local Rule 56.1 Defendants Monaco Enterprises, Inc., Gene
Monaco and Marti Monaco, Roger Barno and Noelle Barno, Strategic Advantage,

LR 56.1 STATEMENT OF FACTS: 1

LAW OFFICES OF
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1 LLC, and Steve Cesare (collectively, "MEI") present the following statement of
2 material facts in support of MEI's Motion for Partial Summary Judgment.

3 1. MEI is a defense contractor based in Spokane, Washington.¹

4 2. MEI manufactures and installs life safety, asset protection,
5 security/intrusion detection, fire protection, mass notification, readiness assurance
6 and energy monitoring in various facilities around the world.²

7 3. MEI's systems are used, in large part, to protect United States
8 government facilities from domestic and international threats, including acts of
9 terrorism.³

10 4. Salazar was employed by MEI as an engineer in its Applications
11 Engineering Department.⁴

12 5. Salazar's employment was terminated in October 2011.⁵

13 6. Salazar claims that beginning in late 2010, he and other unnamed MEI
14 employees brought formal complaints to MEI concerning false reporting and
15 violations of government contracting laws, and that he was retaliated against and
16 terminated by MEI in response to his alleged actions.⁶

17 ¹ Declaration of Roger Barno (ECF No. 26) at ¶ 3.

18 ² Id.

19 ³ Id.

20 ⁴ Complaint for Damages (ECF No. 1) at ¶ 3.2.

21 ⁵ Id.

22 ⁶ Complaint for Damages (ECF No. 1) at ¶¶ 3.12-3.22.

23 LR 56.1 STATEMENT OF FACTS: 2

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1 7. Salazar alleges causes of action for: (A) retaliation under 31 U.S.C.
 2 §3730(h) of the federal False Claims Act (“FCA”), based on allegations that he
 3 was retaliated against and wrongfully terminated for investigating and reporting
 4 suspected fraud, waste and abuse of government funds;⁷ (B) wrongful termination
 5 in violation of the public policies underlying the FCA;⁸ (C) a breach of contract
 6 claim under MEI’s employee handbook;⁹ and (D) a statutory claim under the FCA
 7 that MEI conspired to retaliate and wrongfully terminate Salazar’s employment in
 8 violation of 31 U.S.C. §3729(C), because he allegedly investigated and reported
 9 suspected fraud and waste of government funds.¹⁰

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 11 8. MEI disputes Salazar’s allegations.¹¹
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16 ⁷ Id. at ¶¶ 4.1-4.5.

17 ⁸ Id. at ¶¶ 5.1-5.4.

18 ⁹ Id. at ¶¶ 6.1-6.5.

19 ¹⁰ Id. at ¶¶ 7.1-7.4; Declaration of Michael D. Franklin at Ex. A (confirming
 20 through discovery responses that the conspiracy claim relates to the allegation that
 21 “[s]hortly after reporting suspected fraud, waste or abuse...Salazar was
 22 terminated[,]” and that it was done “in an attempt to prevent him from furthering
 23 his investigation and concern about fraud, waste and abuse”).
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25 ¹¹ See generally Defendants’ Answer and Affirmative Defenses (ECF No. 11).
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LR 56.1 STATEMENT OF FACTS: 3

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2 DATED this 20th day of March, 2013.
3
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5 LUKINS & ANNIS, P.S.

6 By 

7 MICHAEL D. FRANKLIN
8 WSBA# 34213
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LR 56.1 STATEMENT OF FACTS: 4

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CERTIFICATE OF SERVICE

I hereby certify that on the date indicated below,

1. I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following: **William Gilbert and all CM/ECF participants.**
2. I hereby certify that I have mailed by United States Postal Service the foregoing document to the following non-CM/ECF participant(s) at the address(es) listed below: **None**
3. I hereby certify that I have mailed by United States Postal Service the foregoing document to the following CM/ECF participant(s) at the address(es) listed below: **None**
4. I hereby certify that I have hand delivered the foregoing document to the following participants at the address(es) listed below: **None**

EXECUTED on March 18, 2013, at Spokane, Washington.

/s/Daena Skobalski
Daena Skobalski
Legal Secretary to Michael D. Franklin

LR 56.1 STATEMENT OF FACTS: 5

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